REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

I.   Status of the Application

Claims 1, 3, 5-9 and 12-14 remain in this application. Claims 2, 4, 10 and 11 have been cancelled. Applicant amends claims 1 and 12 to further clarify the nature of his invention. No new matter is introduced.

II.   Claim Rejections

Claims 1, 3, 5 - 9 and 12 - 14 have been finally rejected by the Examiner under 35 USC §102(b) as being anticipated by Alperovich et al. (U.S. Patent No. 6,101,393). Applicant amends claims 1 and 12 to further clarify the nature of his invention, and respectfully traverses the rejection

With regard to claim 1, the Examiner alleges that Alperovich et al. disclose a method for preventing delivery of selected SMS messages, comprising the steps of: (1) receiving an SMS message destined for an end user; (2) determining that one or more telephone numbers are associated with the SMS message by searching in either a 'short_message" parameter or a "callback_num" parameter associated with the SMS message; (3) comparing the one or more telephone numbers to a plurality of predetermined telephone numbers; and (4) selectively preventing delivery of the SMS message to the end user if any of the one or more telephone numbers associated with the SMS message matches any of the plurality of predefined telephone numbers in the list.

As described in Applicant's previous Response of December 13, 2004, Alperovich et al. disclose a system in which a cellular subscriber can selectively enable or disable the acceptance of short messages by specifying certain telephone numbers from which the receipt of short messages will be allowed (acceptance list 220 in Fig. 4) and other telephone numbers from which the receipt of short messages will be rejected (rejection list 230 in Fig. 4). A screening application (240) resident in the HLR (26) determines the identity of a sender of a short message by preferably

examining the MSISDN (505) (the MSISDN is a 10 digit code associated with each mobile phone, which code represents the home area code and phone number of the phone), compares the MSISDN with the user specified phone numbers, and either allows the short message to be sent or deletes the message based on which user list (reject or accept) the sender phone number appears (see Fig. 5). While Alperovich et al. admittedly disclose that identifiers other than the MSISDN may be used (such as an IMSI number associated with a single originating entity, or a group or type identifier), Alperovich et al. makes clear that the identifier must be a datum that accompanies the transmitted SMS message, which datum uniquely and explicitly identifies the originator of the SMS message (see, e.g., Col. 3, lines 30-35 and Col. 6, lines 7 - 21 of Alperovich et al.).

The present invention as disclosed in amended independent claim 1 is directed to a system and method for preventing delivery of unsolicited SMS messages, such as mass distributed spam SMS messages. As the application makes clear at p. 2, systems which block SMS messages based on the identification of the sender/originator, such as the system disclosed by Alperovich et al., are of little use in protecting against spammers because spammers typically use email accounts to send the messages and frequently change their account identifiers. Thus, it is virtually impossible to know from the MSISDN or any other explicit source/orginator identifier whether a particular SMS message has originated from a spammer.

The major improvement incorporated in the present invention followed the revelation that SMS spammers, particularly those selling products or services, typically include an additional telephone number within the text of the SMS message or provide a call-back telephone number when sending the message. This call-back number is not explicitly identified as the originator's phone number, but rather as a number that a recipient can call to obtain additional information about a product or service offering.

Thus, the present invention attempts to determine if an SMS message is being sent by an unsolicited spammer not by looking at the source identifier of the message (e.g., the "source_addr" parameter associated with the SMS message), but rather by utilizing a pre-set list of telephone numbers known to be often placed by spammers in either the text of the short message, as

represented by the "short_message" parameter of the SMS message, or explicitly as an associated call-back number, is represented by the "callback_num" parameter of the SMS message. In sharp contrast to the method disclosed by Alperovich et al., Applicant's claimed method makes <u>no</u> reliance on any information <u>specifically identifying the originator/sender of the SMS.</u>

In light of these distinctions, claim 1 has been further amended to specify that the step of determining that one or more telephone numbers are associated with the SMS message is accomplished by searching in either a "short_message" parameter and/or a "callback_num" parameter associated with the SMS message, as a search for telephone numbers in data fields that are <u>distinct from data fields used to explicitly identify of a sender/originator of the SMS message.</u> As a potential spammer relies on these additional telephone numbers to be used by an end user to successfully communicate with the spammer, it is far less likely that these numbers will be falsified by the spammer than that the sender/originator information. Because Alperovich et al. does <u>not</u> disclose a system in which a telephone number associated with an SMS message is determined by searching in a <u>other than a source or originator identifying field</u>, it is hereby submitted that claim 1 is patentable over Alperovich et al.

As claim 12 has been amended in substantially the same manner as claim 1, Applicant substantially reapplies the above arguments to amended independent claim 12, and respectfully submits that claim 12 is also patentable over Alperovich et al. As dependent claims 3, 5 - 9, 13 and 14 each depend from one of amended independent claims 1 and 12, Applicant further submits that dependent claims 3, 5 - 9, 13 and 14 are allowable for at least this reason

CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: July 19, 2005   Respectfully submitted,

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